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APR 14 2010

OFFICE OF PETITIONS

| | | |
|------------------------------|---|-------------------------|
| In re Patent No. 7,539,530 | : | |
| Caplan et al. | : | DECISION ON REQUEST FOR |
| Issue Date: May 26, 2009 | : | RECONSIDERATION OF |
| Application No. 10/646,271 | : | PATENT TERM ADJUSTMENT |
| Filed: August 22, 2003 | : | AND NOTICE OF INTENT |
| Attorney Docket No. 3619-305 | : | TO ISSUE CERTIFICATE OF |
| Title: METHOD AND SYSTEM FOR | : | CORRECTION |
| SPECTRAL EXAMINATION OF | : | |
| VASCULAR WALLS THROUGH BLOOD | : | |
| DURING CARDIAC MOTION | : | |

This is a decision on the petition filed on November 10, 2009, which is being treated as a petition under 37 CFR 1.181 requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by one thousand two hundred ninety-four (1294) days. The petition was filed within two months of a decision by the Office mailed on September 15, 2009 dismissing applicants' request for reconsideration of PTA under 37 CFR 1.705(d).

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by one thousand two hundred ninety-three (1293) days is **GRANTED to the extent indicated herein.**

As the period from the filing date of the request for continued examination (RCE) to the issue date of the patent is not included in the "B" delay period, the over three year period begins on August 23, 2006 and ends on May 20, 2008, the day before the RCE was filed, and is 637 days. See 35 U.S.C.

154(b)(1)(B)(i). The amount of overlap is 174 days. As such, the patent term adjustment is 1293, not 1294 days.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **one thousand two hundred ninety-three (1293) days**.

Telephone inquiries specific to this matter should be directed to Petitions Attorney, Charlema Grant at (571) 272-3215.



Anthony Knight
Director
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,539,530 B2

DATED : **May 26, 2009**

DRAFT

INVENTOR(S) : Caplan et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 830 days

Delete the phrase "by 830 days" and insert – by 1293 days--